

# House Concurrent Resolution No. 12

## 91<sup>ST</sup> GENERAL ASSEMBLY

4212L.011

An act by concurrent resolution and pursuant to Article IV, Section 8, Missouri Constitution, to disapprove portions of 13 CSR 70-20.031 and 13 CSR 70-20.034 relating to prior authorization of excludable and nonexcludable drugs.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

**Whereas**, the Department of Social Services promulgated 13 CSR 70-20.031 and  
2 13 CSR 70-20.034 which would become effective thirty days after publication in the Code of  
3 State Regulations; and  
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5 **Whereas**, the Joint Committee on Administrative Rules has found that the  
6 Department acted arbitrarily and capriciously and recommends that the General Assembly act  
7 to permanently disapprove and suspend that portion of 13 CSR 70-20.031(3), List of Excludable  
8 Drugs for Which Prior Authorization is Required, that reads "Itraconazole Oral -- Noncosmetic  
9 uses"; and that portion of 13 CSR 70-20.034(2), List of Non-Excludable Drugs for Which Prior  
10 Authorization is Required, that reads "Nonsedating antihistamines -- unrestricted use by patients  
11 18 years of age and younger and medically accepted uses following acceptable trial of  
12 unrestricted alternatives for patients older than 18 years of age"; and  
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14 **Whereas**, the General Assembly finds that the department acted arbitrarily and  
15 capriciously when it failed to comply with the provisions of 13 CSR 70-20.200 (3) and (4) when  
16 promulgating those portions of 13 CSR 70-20.031 and 13 CSR 70-20.034 which relate to  
17 Itraconazole and non-sedating antihistamines:  
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20       **Now, therefore, be it resolved** that the ninety-first General Assembly,  
21 Second Regular Session, upon concurrence of a majority of the members of the House of  
22 Representatives and a majority of the members of the Senate, hereby permanently disapproves  
23 and suspends that portion of 13 CSR 70-20.031(3), List of Excludable Drugs for Which Prior  
24 Authorization is Required, that reads "Itraconazole Oral -- Noncosmetic uses"; and that portion  
25 of 13 CSR 70-20.034(2), List of NonExcludable Drugs for Which Prior Authorization is  
26 Required, that reads "Nonsedating antihistamines -- unrestricted use by patients 18 years of age  
27 and younger and medically accepted uses following acceptable trial of unrestricted alternatives  
28 for patients older than 18 years of age"; and  
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30       **Be it further resolved** that a copy of the foregoing be submitted to the  
31 Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as  
32 practicable, notice of the revocation upon this resolution having been signed by the Governor or  
33 having been approved by two-thirds of each house of the Ninety-first General Assembly, Second  
34 Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and  
35 Article IV, Section 8 of the Missouri Constitution; and  
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37       **Be it further resolved** that a properly inscribed copy be presented to the  
38 Governor in accordance with Article IV, Section 8 of the Missouri Constitution.